



## SECTION 9

# Outreach



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## OVERVIEW

- In order to successfully implement an Article VI compliance programme, it is essential for a State Party to conduct outreach to affected facilities, trading companies, and persons on the prohibitions, and data monitoring and on-site inspection provisions of the CWC.
- Suggested outreach approaches include:
  - Conducting seminars or town hall meetings to provide general information and/or “hands-on” instructions to industry;
  - Publishing information pamphlets or brochures;
  - Sending e-mails or mailings to industry to explain Article VI requirements;
  - Establishing a “walk-in” office for industry to provide general counseling (e.g., chemical classifications);
  - Establishing a CWC-dedicated website or CWC-related link on the National Authority’s website, to include linking to the OPCW’s website; and
  - Developing a working relationship with industry by participating in company or association meetings.

## INFORMATION PAMPHLETS

- The IAP contains the following information pamphlets to explain the general obligations of Article VI and functions of the Organisation for the Prohibition of Chemical Weapons:
  - Obligations for Non-Prohibited Activities under the Chemical Weapons Convention, IAP-001 (*found on page 236 at the end of this section.*)
  - A Guide to the Chemical Weapons Convention, IAP-002 (*found on page 237 at the end of this section.*)
  - The Organisation for the Prohibition of Chemical Weapons, IAP-003 (*found on page 238 at the end of this section.*)
  - Introduction to Article VI Implementation, IAP-004 (*found on page 239 at the end of this section.*)
- The pamphlets also are separately available on the IAP compact disc as Microsoft® Word documents to allow a State Party to tailor their contents to its legislative and administrative requirements.



### OBLIGATIONS FOR ACTIVITIES NOT PROHIBITED UNDER THE CHEMICAL WEAPONS CONVENTION (CWC)

	Schedule 1 Chemicals	Schedule 2 Chemicals	Schedule 3 Chemicals	Unscheduled Discrete Organic Chemicals (DOCs)
<b>Chemicals</b>	CW agents; key final-stage CW precursors.	Potential CW agents; other CW key precursors; and certain dual-use chemicals.	Old CW agents; other CW precursors; and certain dual-use chemicals.	Unscheduled discrete organic chemicals, including those containing phosphorus, sulfur, or fluorine (PSF-chemicals) produced at Other Chemical Production Facilities (OPCFs). Facilities exclusively producing explosives or hydrocarbons are exempt.
<b>Commercial uses</b>	Low or none.	Low to moderate.	High.	High.
<b>Annual activity threshold for declarations</b>	100g aggregate of all Schedule 1 chemicals.	1 kg for BZ; 100kg for other Part A chemicals; 1 metric ton for Part B chemicals.	30 metric tons.	200 metric tons aggregate for OPCFs (including PSF-chemicals); 30 metric tons for each PSF-chemical.
<b>Activities to be declared annually</b>	Production (consumption, storage, transfer) export, and import data for the previous calendar year; production anticipated for the next calendar year.	Production, processing, consumption, export, and import data for the previous calendar year; production, processing, consumption anticipated for the next calendar year.	Production, export, and import data for the previous calendar year; production anticipated for the next calendar year.	Production by synthesis data for the previous calendar year.
<b>Deadline for annual declarations - Anticipated activities (declarations only)</b>	Not later than 90 days prior to the calendar year in which the anticipated activities will take place. (October 3)	Not later than 60 days prior to the calendar year in which the anticipated activities will take place. (November 2)		Not applicable.
<b>Deadline for annual declarations - Past activities</b>	Not later than 90 days after the end of the previous calendar year. (March 30 or March 31)			
<b>Activity threshold for inspections</b>	100g aggregate of all Schedule 1 chemicals.	10 kg for BZ; 1 metric ton for other Part A chemicals; 10 metric tons for Part B chemicals.	200 metric tons.	200 metric tons aggregate unscheduled DOCs, including PSF-chemicals.
<b>Facility agreement for routine inspections</b>	Mandatory.	Mandatory (unless inspected State Party and OPCW agree otherwise).	None required unless requested by the inspected State Party.	
<b>Notice of initial and routine inspection</b>	Not less than 72 hours (initial) or 24 hours (routine) before arrival of the inspection team at the point-of-entry.	Not less than 48 hours before arrival of the inspection team at the plant site.	Not less than 120 hours before arrival of the inspection team at the plant site.	
<b>Duration of initial/routine inspections</b>	Duration based on risk to object and purpose of the CWC.	96 hours unless extended by inspection team and inspected State Party.	24 hours unless extended by the inspection team and inspected State Party.	
<b>Maximum number of inspections</b>	Number based on risk to object and purpose of the CWC.	2 per year per plant site.	2 per year per plant site plus limit on the combined number of inspections of Schedule 3 and OPCF plant sites.	2 per year per plant site plus limit on the combined number of inspections of Schedule 3 and OPCF plant sites.
<b>Restrictions on exports and imports</b>	Exports to and imports from States Parties only for research, medical, pharmaceutical or protective purposes; no retransfers.	Exports to or imports from States Parties only.	Exports to States Parties, and to non-States Parties that provide End-Use Certificates only.	No restrictions.

Sources: Chemical Weapons Convention 1993



## Implementation Assistance Programme Bulletin

August 2005  
Publication IAP-002

### Implementation Assistance Programme— A Guide to the Chemical Weapons Convention

There are over 170 States Parties to the Chemical Weapons Convention (CWC), which prohibits the development, production, stockpiling, and use of chemical weapons (CW). This paper will provide an overview of the chemicals monitored by the CWC and certain components of the CWC verification regime. These components include declaration requirements, and on-site inspections that are triggered when quantitative threshold activity levels for CWC monitored chemicals are exceeded.

#### Overview of CWC Chemicals

The CWC monitors chemicals listed in three Schedules and certain unscheduled discrete organic chemicals (UDOCs).

#### Schedule 1 Chemicals

- Toxic chemicals with few or no legitimate uses that are chemical weapons themselves or are very closely related to chemical weapons.
- Developed or used primarily for military purposes.
- Examples include nerve agents, such as Sarin, and blister agents, such as Mustard and Lewisite.

#### Schedule 2 Chemicals

- Chemicals that can be used for CW production, but can also have certain legitimate uses.
- Not produced in large commercial quantities.
- Examples include certain chemicals used to manufacture fertilizers and pesticides.

#### Schedule 3 Chemicals

- Chemicals that can be used for CW production, but can also have significant legitimate uses.
- Produced in large commercial quantities.
- Examples include chemicals used to manufacture paint thinners, cleaners, and lubricants.

#### Unscheduled Discrete Organic Chemicals (UDOCs)

- "Any chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates." Plant sites that exclusively produce explosives and hydrocarbons are exempt.

#### Declarations

The CWC imposes declaration requirements upon States Parties when certain CWC monitored chemicals are transferred from one State Party to another, and upon industry in States Parties when production, processing, or consumption of CWC monitored chemicals exceeds certain thresholds. These requirements include:

- Initial declarations.
- Annual declarations of the past year's activities.
- Annual declarations of the next year's anticipated activities.
- Declaration amendments or updates for changes to previously submitted data or additionally planned activities.

#### Inspections

The CWC mandates on-site inspections when certain activity thresholds for CWC monitored chemicals are exceeded.

#### Initial Inspections

- Verify accuracy of declarations and ensure activities are consistent with the object and purpose of the CWC.
- Assess risk to determine frequency and intrusiveness of future inspections.
- Prepare facility agreements (mandatory for Schedule 1 and 2 chemical facilities; optional for Schedule 3 plant sites and Other Chemical Production Facilities (OCPF).

#### Subsequent Inspections

- Purpose is to verify declarations, the absence of Schedule 1 chemicals (if not declared), and the non-division of scheduled chemicals.
- Schedule 1 facilities: number, intensity, duration, timing and mode of inspection based on risk.
- Schedule 2 plant sites: maximum 2 inspections per year, per plant site; inspections may last 96 hours.
- Schedule 3 plant sites: maximum 2 inspections per year, per plant site (national annual maximum of 20 Schedule 3 and OCPF inspections); inspections may last 24 hours.
- OCPFs: generally similar to Schedule 3.

To learn more about the CWC visit the OPCW website at [www.opcw.org](http://www.opcw.org).



## Implementation Assistance Programme Bulletin

August 2005  
Publication IAP-003

### The Organisation for the Prohibition of Chemical Weapons

The Organisation for the Prohibition of Chemical Weapons (OPCW) is the international body created to implement the Chemical Weapons Convention (CWC). The OPCW has an affiliated relationship with the United Nations and is located in The Hague, Netherlands. Qualified citizens of the more than 170 States Parties may serve on its staff.

#### Basic Organisation

Article VIII of the CWC establishes the OPCW and its major components. The Conference of the States Parties (CSP) is the OPCW's principal organ, responsible for overseeing implementation and reviewing compliance issues. All States Parties are members of the CSP, which meets annually.

The Executive Council (EC) is the OPCW's executive body. It promotes the effective implementation of and compliance with the Convention. The EC meets approximately six times per year to supervise the activities of the Technical Secretariat (TS) and facilitate consultations and cooperation among States Parties. The EC's 41 members are selected by a formula that recognizes the importance of geographic diversity, representation by the most significant national chemical industries, and political and security interests.

The TS is responsible for day-to-day operations and verification activities. It is comprised of the OPCW permanent staff, and is led by a Director-General, who is elected by the CSP. The staff itself consists of technical, managerial, and administrative personnel.

#### Verification Division

The Verification Division of the TS receives and maintains data declarations and inspection reports, manages inspection planning, and analyzes and protects information related to CWC compliance and implementation.

- Declarations Branch: processes and validates declarations.
- Confidentiality Branch: monitors the handling of and controls access to confidential verification information.
- Industry Verification Branch: assesses declarations and plans inspections for declared facilities/plant sites.
- Policy and Review Branch: monitors and assesses verification activities, prepares proposals to enhance verification efficiency, and resolves inspection issues.

#### Inspectorate Division

The Inspectorate Division of the TS manages the inspectors, as well as the operational and logistical aspects of inspections.

- Inspectorate Management Branch: supplies the 200+ inspectors who conduct on-site verification activities.
- Operations and Planning Center Branch: staffs a 24-hour operations center for inspection notification and support to deployed inspection teams, and conducts short-range planning and inspection reporting.
- Inspection Review Branch: reviews logistical and operational aspects of inspections, and prepares procedural manuals and policy documents.

#### The Inspectors

The inspectors involved with industry verification are chemical production technologists, process specialists, analytical chemists and logisticians. They have 3-year, renewable contracts and possess the following qualifications:

- Bachelor of Science in chemical engineering or chemistry and 6 years practical in-plant experience.
- Fluency in one of the six CWC languages, plus working knowledge of English.

Inspectors, as well as other TS employees, must sign and comply with an OPCW Secrecy Agreement, which prohibits them from divulging any information obtained while employed at the OPCW. It is binding for the duration of their employment and 5 years thereafter. The Agreement supports the Confidentiality Annex of the CWC, which contains protections for confidential business information.



# Introduction to Article VI Implementation



**C**hemical  
**W**eapons  
**C**onvention

Publication IAP-004  
November 2005





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# Introduction

More than 170 nations have ratified the Chemical Weapons Convention (CWC),<sup>1</sup> an international arms control and nonproliferation treaty whose aim is a comprehensive ban on chemical weapons. Unlike earlier attempts to ban chemical weapons, the CWC's scope extends beyond the actual use of chemical weapons. The Convention requires the destruction of existing chemical weapons and bans the use, development, production, acquisition, retention, and transfer of such weapons. In addition, the Convention prohibits assistance or inducement to others to engage in prohibited activity.

To accomplish the non-proliferation goals of the Convention, States Parties have agreed to a broad declaration and verification system for non-prohibited activities (e.g., industrial, agricultural, medical, pharmaceutical, research, protective purposes and law enforcement) involving certain toxic chemicals and precursors. It is chemical producers, processors, consumers, exporters and importers that carry out these legitimate, non-prohibited activities. The impact of the Convention upon these activities is the subject of this pamphlet.

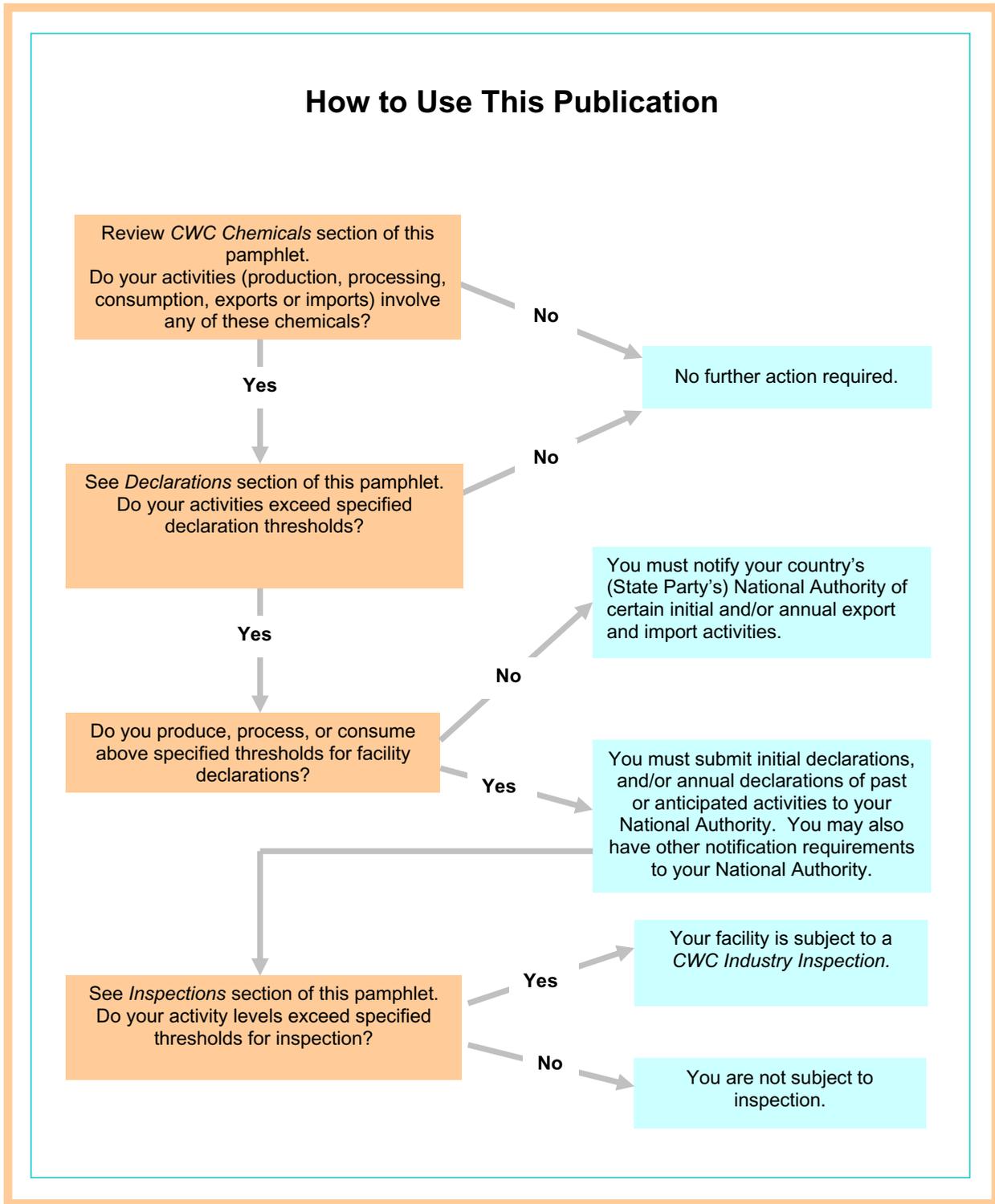
The Convention explicitly mandates implementation in a manner that avoids hampering economic or technological development. States Parties to the Convention are also prohibited from using the pretext of CWC implementation as a means to inhibit trade and development. During the lengthy negotiating process leading to the adoption of the Convention, the participation of chemical industry representatives was key to the formulation of provisions that reflect the importance of the chemical sector in the international economy.

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<sup>1</sup> Formally called the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Production.



## How to Use This Publication





## The First Step

The Chemical Weapons Convention aims to ban all activities associated with the use of toxic chemicals as a means of warfare. At the same time, no chemicals, even the most toxic, are banned because they also may have legitimate, peaceful purposes. This unique aspect of the Convention sets it apart from other arms control agreements and greatly influences its verification procedures. For this reason, certain activities involving these chemicals, while conducted for purposes not prohibited under the Convention, are nonetheless subject to declaration and on-site inspection provisions.

### Purposes Not Prohibited Under the Convention

Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes

Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons

Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare

Law enforcement purposes, including domestic riot control

Facilities, plant sites, trading companies, and other persons must submit declarations and notifications about their activities that exceed certain quantity thresholds involving chemicals monitored by the CWC. A State Party is required to submit a national declaration to the Organisation for the Prohibition of Chemical Weapons' (OPCW) Technical Secretariat, which administers the treaty. On the basis of these declarations, some of those facilities declared are subject to inspection by the Technical Secretariat.

The first step in this process is to understand which chemicals are monitored and the ramifications of various activities—production,<sup>1</sup> processing,<sup>2</sup> consumption,<sup>3</sup> export and import—for further obligations under the Convention. This information is presented in the next three sections of this pamphlet, *CWC Chemicals, Declarations, and Inspections*. If a facility,<sup>4</sup> trading company, or person finds that none of its operations involves specified chemicals, it has no further obligation. However, if a facility, trading company, or person does engage in activities involving these chemicals, further examination will place it, based on the types and levels of such activities, into one of the following categories:

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<sup>1</sup> Production of chemical means formation through chemical reaction.

<sup>2</sup> Processing means a physical process such as formulation, extraction and purification in which a chemical is not converted into another chemical.

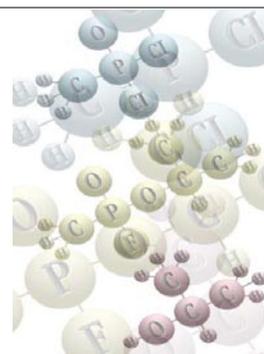
<sup>3</sup> Consumption of a chemical means its conversion into another chemical via a chemical reaction.

<sup>4</sup> In this and succeeding sections "facility" is used as defined in the CWC to mean any plant site, plant or unit.



1. Facilities, trading companies, or persons that are engaged in certain types and quantitative levels of activities that do not trigger an obligation to declare certain activities, and are not subject to on-site inspection;
2. Facilities, trading companies, or persons that are engaged in certain types and quantitative levels of activities that trigger an obligation to submit information related to certain activities (production, processing, consumption, export, and import), in order to fulfill the aggregate national data declaration obligations under the CWC, but are not subject to on-site inspection;
3. Facilities that are engaged in certain types and quantitative levels of activities that trigger an obligation to declare certain activities, but are not subject to on-site inspection; or
4. Facilities that are engaged in certain types and quantitative levels of activities that trigger an obligation to declare certain activities and are subject to on-site inspection.

The concluding section of this pamphlet contains a brief discussion of implementation issues pertinent to industrial facilities. For a synopsis of the Convention itself, please see Annex A



# CWC Chemicals

The CWC organizes certain toxic chemicals and precursors that have or could play a role in chemical weapons (CW) activity into three “schedules” and an additional basket category of chemicals, unscheduled discrete organic chemicals (DOCs). The CWC verification regime allows the Technical Secretariat to monitor specified levels of commercial activities—production, processing, consumption, export and import—involving scheduled chemicals and unscheduled DOCs as required by the Convention. The Schedules of Chemicals are ordered to reflect an assessment of the risk posed to the object and purpose of the Convention—the elimination of CW. It is important to understand that “scheduled chemicals” means specific chemicals listed, as well as families of chemicals, and any other chemicals meeting the criteria included in the Convention.<sup>1</sup>

## Schedule 1 Chemicals

These chemicals pose the highest risk to the object and purpose of the Convention. They include nerve agents such as VX and blister agents such as Mustard, and also include final stage precursors. Schedule 1 chemicals have little use for purposes other than those prohibited under the CWC.

## Schedule 2 Chemicals

These chemicals pose a significant risk to the object and purpose of the Convention. They include toxic chemicals and precursors possessing properties that would enable them to be used in CW activities. Schedule 2 chemicals may be produced in significant commercial quantities for purposes not prohibited under the CWC.

## Schedule 3 Chemicals

These chemicals pose a risk to the object and purpose of the Convention. They include first generation CW and other toxic chemicals and precursors that might enable them to be used in CW activities. Schedule 3 chemicals are produced in significant commercial quantities for purposes not prohibited under the CWC.

## DOCs

An unscheduled DOC means any unscheduled chemical belonging to the class of chemical compounds consisting of all compounds of carbon except for its oxides, sulfides and metal carbonates,<sup>2</sup> identifiable by chemical name, by structural formula, if known, and by Chemical Abstracts Service registry number, if assigned. In addition, a subcategory of unscheduled DOCs has also been created. Those unscheduled DOCs containing the elements phosphorous, sulfur or fluorine are referred to as “PSF-chemicals.”

<sup>1</sup> The specific criteria included in the CWC are provided at Annex C.

<sup>2</sup> For further explanation of these exempted compounds, see Annex D.



### **Activities excluded from declaration requirements pursuant to the CWC.**

Concentration Levels. Unless deemed a risk to the object and purpose of the Convention by virtue of the total weight and ease of recovery of the chemical, scheduled chemicals in the following concentrations (by volume or weight, whichever is lower) are exempt from declaration requirements:

- Schedule 1: none.
- Schedule 2A: The OPCW has not established a mixture rule for Schedule 2A/2A\* chemicals. Absent such a decision, a State Party may establish its own low concentration exemption for declaring Schedule 2A/2A\* chemicals except in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention.
- Schedule 2B chemicals: <30%.
- Schedule 3 chemicals: <30%.

### Chemical activities

- Plant sites that exclusively produce hydrocarbons (i.e., chemicals containing only carbon and hydrogen, irrespective of the number of carbon atoms in the compound);
- Plant sites that exclusively produce explosives;
- Oxides and sulfides of carbon and metal carbonates;
- Compounds containing only carbon and metal;
- Oligomers and polymers;
- Compounds/processing plants except those that process Schedule 2 chemicals (e.g. polymer compounding plants or formulating plants); and
- Extraction or purification activities – except for Schedule 2 chemicals – where no chemical change occurs to the chemical in question during the activity.

### **Classification Assistance**

For assistance in determining whether your chemical is subject to declaration requirements, contact your country's CWC National Authority. It is helpful to provide the following information for each chemical: the chemical name, the structural formula, and the CAS Registry Number, if assigned.

**CWC Schedules of Chemicals**

(Whenever reference is made to groups of dialkylated chemicals, followed by a list of alkyl groups in parentheses, all chemicals possible by all possible combinations of alkyl groups listed in the parentheses are considered as listed in the respective Schedule as long as they are not explicitly exempted. A chemical marked "\*" on Schedule 2, part A, is subject to special thresholds for declaration and verification.)

	<b>Schedule 1</b>	<b>CAS registry number</b>	<b>HS Code</b>
<b>A. Toxic chemicals:</b>			
(1)	O-Alkyl ( $\leq C_{10}$ , incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman: O-Pinacolyl methylphosphonofluoridate	(107-44-8) (96-64-0)	(2931.00)
(2)	O-Alkyl ( $\leq C_{10}$ , incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates e.g. Tabun: O-Ethyl N,N-dimethyl phosphoramidocyanidate	(77-81-6)	(2931.00)
(3)	O-Alkyl (H or $\leq C_{10}$ , incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts e.g. VX: O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate	(50782-69-9)	(2930.90)
(4)	Sulfur mustards: 2-Chloroethylchloromethylsulfide Mustard gas: Bis(2-chloroethyl)sulfide Bis(2-chloroethylthio)methane Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane 1,3-Bis(2-chloroethylthio)-n-propane 1,4-Bis(2-chloroethylthio)-n-butane 1,5-Bis(2-chloroethylthio)-n-pentane Bis(2-chloroethylthiomethyl)ether O-Mustard: Bis(2-chloroethylthioethyl)ether	(2625-76-5) (505-60-2) (63869-13-6) (3563-36-8) (63905-10-2) (142868-93-7) (142868-94-8) (63918-90-1) (63918-89-8)	(2930.90)
(5)	Lewisites: Lewisite 1: 2-Chlorovinylchloroarsine Lewisite 2: Bis(2-chlorovinyl)chloroarsine Lewisite 3: Tris(2-chlorovinyl)arsine	(541-25-3) (40334-69-8) (40334-70-1)	(2931.00)
(6)	Nitrogen mustards: HN1: Bis(2-chloroethyl)ethylamine HN2: Bis(2-chloroethyl)methylamine HN3: Tris(2-chloroethyl)amine	(538-07-8) (51-75-2) (555-77-1)	(2921.19) (2930.90) (3002.90)
(7)	Saxitoxin	(35523-89-8)	(3002.90)
(8)	Ricin	(9009-86-3)	(3002.90)
<b>B. Precursors:</b>			
(9)	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides e.g. DF: Methylphosphonyldifluoride	(676-99-3)	
(10)	O-Alkyl (H or $\leq C_{10}$ , incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite	(57856-11-8)	(2931.00)
(11)	Chlorosarin: O-Isopropyl methylphosphonochloridate	(1445-76-7)	(2931.00)
(12)	Chlorosoman: O-Pinacolyl methylphosphonochloridate	(7040-57-5)	(2931.00)
	<b>Schedule 2</b>		
<b>A. Toxic chemicals:</b>			
(1)	Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts	(75-53-5)	(2930.90)
(2)	PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene	(382-21-8)	(2903.30)
(3)	BZ: 3-Quinuclidinyl benzilate (*)	(6581-06-2)	(2933.90)



<b>B. Precursors:</b>		
(4)	Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride Dimethyl methylphosphonate Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiothionate	(676-97-1) (756-79-6) (944-22-9) (2931.00)
(5)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides	(2929.90)
(6)	Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl Me, Et, n-Pr or i-Pr)-phosphoramidates	(2929.00)
(7)	Arsenic trichloride	(7784-34-1) (2812.10)
(8)	2,2-Diphenyl-2-hydroxyacetic acid	(76-93-7) (2918.19)
(9)	Quinuclidin-3-ol	(1619-34-7) (2933.39)
(10)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts	(2921.19)
(11)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts N,N-Diethylaminoethanol and corresponding protonated salts	(108-01-0) (100-37-8) (2922.19)
(12)	N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts	(2930.90)
(13)	Thiodiglycol: Bis(2-hydroxyethyl)sulfide	(111-48-8) (2930.90)
(14)	Pinacolyl alcohol: 3,3-Dimethylbutan-2-ol	(464-07-3) (2905.14)
<b>Schedule 3</b>		
<b>A. Toxic chemicals:</b>		
(1)	Phosgene: Carbonyl dichloride	(75-44-5) (2812.10)
(2)	Cyanogen chloride	(506-77-4) (2851.00)
(3)	Hydrogen cyanide	(74-90-8) (2811.19)
(4)	Chloropicrin: Trichloronitromethane	(76-06-2) (2904.90)
<b>B. Precursors:</b>		
(5)	Phosphorus oxychloride	(10025-87-3) (2812.10)
(6)	Phosphorus trichloride	(7719-12-2) (2812.10)
(7)	Phosphorus pentachloride	(10026-13-8) (2812.10)
(8)	Trimethyl phosphite	(121-45-9) (2920.90)
(9)	Triethyl phosphite	(122-52-1) (2920.90)
(10)	Dimethyl phosphite	(868-85-9) (2921.19)
(11)	Diethyl phosphite	(762-04-9) (2920.90)
(12)	Sulfur monochloride	(10025-67-9) (2812.10)
(13)	Sulfur dichloride	(10545-99-0) (2812.10)
(14)	Thionyl chloride	(7719-09-7) (2812.10)
(15)	Ethyldiethanolamine	(139-87-7) (2922.19)
(16)	Methyldiethanolamine	(105-59-9) (2922.19)
(17)	Triethanolamine	(102-71-6) (2922.13)



# Declarations

The CWC requires the submission of declarations when specified criteria are met. Facilities, trading companies or other persons that export or import scheduled chemicals above designated threshold levels must declare them. This information is used to fulfill a State Party's national aggregate data declaration obligations. The National Authority will aggregate and remove facility-specific information from export and import declarations before submitting them to the Technical Secretariat. Facilities that produce, process or consume certain chemicals at levels exceeding designated thresholds also must submit declarations. Facility-specific declarations are forwarded to the Technical Secretariat, and may serve as a basis for possible on-site inspection. The National Authority will classify declarations transmitted to the Technical Secretariat to ensure that confidential information is handled by the Technical Secretariat according to prescribed rules.

With these objectives in mind, declaration requirements are organized around the Schedules of Chemicals and quantitative activity criteria. The principle is very simple. *The greater the risk posed by a chemical and the lower the utility for peaceful purposes, the lower the threshold for declaration requirements is set.* Likewise, the level of detail and amount of ancillary information required are greatest for Schedule 1 chemicals and progressively decrease with Schedule 2, Schedule 3 and especially unscheduled DOCs. Production, exports and imports are the activity criteria for Schedule 1 and Schedule 3 facilities. For Schedule 2 plant sites, production, processing, consumption, exports and imports serve as activity criteria. Production by synthesis of unscheduled DOCs is the activity criterion for Other Chemical Production Facilities (OPCFs).

## **SCHEDULE 1**

### **Declarations**

Facilities engaged in producing Schedule 1 chemicals are subject to the most stringent verification measures. Schedule 1 facilities subject to the CWC may engage in two categories of non-prohibited activities:

1. Production of Schedule 1 chemicals in aggregate quantities of less than 100 g per year carried out for research, medical or pharmaceutical purposes per facility. These facilities are not subject to a declaration obligation.
2. Production of Schedule 1 chemicals in aggregate quantities of more than 100 g per year carried out for research, medical or pharmaceutical purposes per facility. In addition, if a "new" facility begins production of Schedule 1 chemicals in aggregate quantities of more than 100 g per year, a State Party must notify the Technical Secretariat 180 days in advance of commencement of production.



## Exports and Imports

The CWC requires States Parties to provide advance notification of an export or import of any amount of a Schedule 1 chemical and declare all Schedule 1 chemical exports and imports on an annual basis. A State Party must notify the Technical Secretariat 30 days before any export or import of a Schedule 1 chemical (except for transfers of 5 milligrams or less of saxitoxin for medical/diagnostic purposes for which notification shall be made by the time of the transfer). Annual declarations of exports and imports must be submitted to the Technical Secretariat and identify each chemical, the quantity acquired from or transferred to other States Parties, including the source or recipient, and the purpose of the transfer.

Export or import of Schedule 1 chemicals is only permissible to or from other CWC States Parties and only for permitted purposes. Retransfer is prohibited.

## Declaration Schedule

A State Party must submit to the Technical Secretariat annual declarations of past activities and transfers not later than 90 days after the end of the previous calendar year, and annual declarations of anticipated activities not later than 90 days before the beginning of the following calendar year.

For initial declarations of Schedule 1 facilities, including "new" facilities, declarants must provide the name, location and a detailed technical description of the facility or its relevant parts.

Annual declarations of past activities must include:

1. Identification of the facility;
2. For each Schedule 1 chemical, information on the purpose of production, consumption, transfer and storage; and
3. Information on any changes at the facility or its relevant parts during the year compared to previously submitted detailed technical descriptions of the facility.

Detailed annual declarations of anticipated activities must include:

1. Identification of the facility;
2. For each Schedule 1 chemical, the quantity, timing and purpose of the anticipated production; and
3. Information on any anticipated changes at the facility or its relevant part during the year, compared to previously submitted detailed technical descriptions of the facility.

For further information on activity determinations, declaration requirements, and other issues related to activities involving Schedule 1 chemicals, contact your CWC National Authority.

## SCHEDULE 2

### Declarations

Declarations for activities involving Schedule 2 chemicals are made *by plant sites* to specify the activities of *each declared plant* within the plant site. Initial declarations are required from all plant sites that are comprised of one or more plant(s) that *produced, processed or consumed* a Schedule 2 chemical in any one of the past three years above the applicable threshold quantity. Annual declarations of past activities for a preceding calendar year are required from all plant sites that are comprised of one or more plant(s) that *produced, processed or consumed* a Schedule 2 chemical in any one of the past three years above the applicable threshold quantity. Annual declarations of anticipated activities are required from all plant sites that are comprised of one or more plant(s) that intend to *produce, process or consume* a Schedule 2 chemical in the next calendar year above the applicable threshold quantity.

The activity thresholds for Schedule 2 declarations are as follows:

1. 1 kg of a Schedule 2A toxic chemical designated "\*" – currently only BZ;
2. 100 kg of any other Schedule 2A toxic chemical – currently only PFIB and



Amiton (and corresponding alkylated or protonated salts); or

3. 1 metric ton of a Schedule 2B precursor.

Mixtures containing a Schedule 2B chemical are exempt from declaration requirements if the quantity of the Schedule 2B chemical in the mixture is less than 30 percent by weight or volume (whichever is less). The OPCW has not established a mixture rule for Schedule 2A/2A\* chemicals. In the absence of such a decision, a State Party may establish its own low concentration exemption for declaring Schedule 2A/2A\* chemicals except in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention

Declarations must include information on the plant site and owner, a precise location of the plant site, and information on each declared plant on the plant site.

For each declared plant, the following information must be provided:

- Identification of the plant and its owner, the precise location within the plant site and its main activities;
- Whether the plant produces, processes or consumes the declared chemical(s); whether it is dedicated to such activities, multi-purpose, or other; and whether it performs other activities with regard to the declared Schedule 2 chemical(s); and
- The production capacity of the plant for each declared Schedule 2 chemical that is produced.

In addition, plant site declarations must identify and quantify each Schedule 2 chemical that meets the declaration threshold criteria:

Annual declaration of past activities:

The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned; the total amount produced, processed, consumed, imported and exported by the plant site in the previous calendar year; and the purposes for which the chemical was or will be produced, processed or consumed:

- Processing and consumption on site with a specification of the product types;
- Sale or transfer within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types;
- Direct export, with a specification of the States involved; or
- Other, including a specification of these other purposes.

Annual declaration of anticipated activities:

The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service registry number, if assigned; the total amount anticipated to be produced, processed or consumed by the plant site in the following calendar year, including the anticipated time periods for production, processing or consumption; and the purposes for which the chemical was or will be produced, processed or consumed:

- Processing and consumption on site with a specification of the product types;
- Sale or transfer within the territory or to any other place under the jurisdiction or control of the State Party, with a specification whether to other industry, trader or other destination and, if possible, of final product types;
- Direct export, with a specification of the States involved; or
- Other, including a specification of these other purposes.

**Exports and Imports**

The CWC requires States Parties to declare to the Technical Secretariat the past year's activity of Schedule 2 chemicals exported from or imported into its territory, except mixtures containing a Schedule 2B chemical are exempt from declaration requirements if the quantity of the Schedule 2B chemical in the mixture is less than 30 percent by weight or volume (whichever is less). The OPCW has not established a mixture rule for Schedule 2A/2A\* chemicals. In the absence of such a decision, a State Party may establish its own low concentration exemption for



declaring Schedule 2A/2A\* chemicals except in cases where the ease of recovery from the mixture of the Schedule 2 chemical and its total weight are deemed to pose a risk to the object and purpose of this Convention.

Aggregate national data (AND) of exports and imports must be submitted to the Technical Secretariat and identify each chemical, and the quantity acquired from or transferred to and identification of the State Party.

Export or import of Schedule 2 chemicals is only permissible to or from other CWC States Parties (except where the Schedule 2A or 2A\* chemical constitutes 1 percent or less of the product or Schedule 2B chemical constitutes 10 percent or less of the product, or is a normal ingredient in consumer goods packaged for retail sale for personal use).

### **Declaration Schedule**

Each year, a State Party must submit to the Technical Secretariat annual declarations of past activities and AND not later than 90 days after the end of the previous calendar year, and annual declarations of anticipated activities not later than 60 days before the beginning of the following calendar year.

For further information on activity determinations, declaration requirements, and other issues related to activities involving Schedule 2 chemicals, contact your CWC National Authority.

### **SCHEDULE 3**

#### **Declarations**

Schedule 3 declaration requirements are significantly simpler than those for Schedule 2. Annual declarations are required for all plant sites that are comprised of one or more plants that produced more than 30 metric tons of a Schedule 3 chemical during the previous calendar year or are anticipated to produce over 30 metric tons in the next calendar year. Declarations of a plant site must include the name, owner and precise location of the plant site, as well as the number of declared plants within it.

Annual declarations of past activities and annual declarations of anticipated activities must include for each declared plant: the name, owner,

precise location within the plant site and main activities of the plant. Declarations must also include for each Schedule 3 chemical produced in excess of 30 metric tons at one or more plants: identification of the chemical, the purposes for which it was or will be produced, and the approximate amount of production for the calendar year within the ranges:

- 30 to 200 metric tons
- Above 200 to 1,000 metric tons
- Above 1,000 to 10,000 metric tons
- Above 10,000 to 100,000 metric tons
- Above 100,000 metric tons

Mixtures containing a Schedule 3 chemical are exempt from declaration requirements if the quantity of the Schedule 3 chemical in the mixture is less than 30 percent by weight or volume (whichever is less).

### **Exports and Imports**

The CWC requires States Parties to declare to the Technical Secretariat the past year's activity of Schedule 3 chemicals exported from or imported into its territory above 30 metric tons. Mixtures containing a Schedule 3 chemical are exempt from declaration requirements if the quantity of the Schedule 3 chemical in the mixture is less than 30 percent by weight or volume (whichever is less).

Aggregate national data (AND) of exports and imports must be submitted to the Technical Secretariat and identify each chemical, and the quantity acquired from or transferred to and identification of the State Party or State not Party to the Convention.

Export or import of Schedule 3 chemicals to States not Party to the Convention require an end-use certificate (except where the Schedule 3 chemical constitutes 30 percent or less of the product, or is a normal ingredient in consumer goods packaged for retail sale for personal use).

### **Declaration Schedule**

Each year, a State Party must submit to the Technical Secretariat annual declarations of past activities and AND not later than 90 days after the end of the previous calendar year, and annual declarations of anticipated activities not



later than 60 days before the beginning of the following calendar year.

For further information of activity determinations, declaration requirements, and other issues related to activities involving Schedule 3 chemicals, contact your CWC National Authority.

### **OCPFs**

#### **Declarations**

Declarations involving unscheduled DOCs have the highest threshold levels and the simplest requirements. Annual declarations of past activities are required from OPCFs that:

1. Produced by synthesis during the previous calendar year more than 200 metric tons aggregate of unscheduled discrete organic chemicals (including all PSF-chemicals); or
2. Comprise one or more plants that produced by synthesis during the previous calendar year more than 30 metric tons of an individual PSF-chemical.

Declarations must include an identification of the OPCF, its owner, precise location, main activities, approximate number of plants producing unscheduled DOCs, and the exact number of plants producing PSF-chemicals.

For OPCFs included in (1) above, information on the approximate aggregate amount of unscheduled DOCs produced is declared in the ranges:

- 200 to 1,000 metric tons
- Above 1,000 to 10,000 metric tons
- Above 10,000 metric tons

For plant sites included in (2) above, information on the approximate aggregate amount of all PSF-chemicals produced is declared in the ranges:

- 30 to 200 metric tons
- Above 200 to 1,000 metric tons
- Above 1,000 to 10,000 metric tons
- Above 10,000 metric tons

Chemical activities specifically excluded from declaration include:

- Plant sites that exclusively produce hydrocarbons (i.e., chemicals containing only carbon and hydrogen, irrespective of the number of carbon atoms in the compound);
- Plant sites that exclusively produce explosives;
- Oxides and sulfides of carbon and metal carbonates;
- Compounds containing only carbon and metal;
- Oligomers and polymers;
- Compounds/processing plants except those that process Schedule 2 chemicals (e.g. polymer compounding plants or formulating plants); and
- Extraction or purification activities – except for Schedule 2 chemicals – where no chemicals change occurs to the chemical in question during the activity.

#### **Declaration Schedule**

Each year, a State Party must submit to the Technical Secretariat annual declarations of past activities not later than 90 days after the end of the previous calendar year.

For further information on declaration requirements and other issues related to activities involving unscheduled DOCs, contact your CWC National Authority.



# Inspections

Only declared facilities are subject to initial or routine inspection under the CWC. As with declarations, the obligation to undergo on-site inspection is determined by specified threshold activity criteria. Prudent planning and preparation founded on knowledge is the surest way for a facility to fulfill its obligation to demonstrate compliance during on-site inspections. This is important to the facility because judgments about subsequent inspections will be based in large part on OPCW Technical Secretariat assessments made during initial inspections. During verification activities, the National Authority acts as escorts for inspection teams at industrial facilities subject to inspection. In preparing for these inspection activities, it is helpful to understand the relevant provisions of the Convention as they apply to the different categories of declarants.

## Schedule 1 Facilities

The Technical Secretariat will inspect facilities producing Schedule 1 chemicals in quantities of more than 100g aggregate for research, medical, or pharmaceutical purposes. The aims of inspection activity at these facilities are to verify that:

1. The facility is not used to produce any Schedule 1 chemical, except for the declared chemicals;
2. The quantities of Schedule 1 chemicals produced, processed or consumed are correctly declared and consistent with needs for the declared purpose; and
3. The Schedule 1 chemical is not diverted or used for other purposes.

The number, intensity, duration, timing and mode of inspections for a particular facility are based on the risk to the object and purpose of the Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there. For initial Schedule 1 inspections, the Technical Secretariat must notify the State Party at least 72 hours before arrival of the inspection team at the national point of entry (POE). For subsequent inspections, the notification period is just 24 hours.



### Facility Agreements

During an initial inspection of a Schedule 1 or 2 facility, the National Authority will negotiate a draft facility agreement with the inspection team. Facility agreements cover all aspects of inspection activity and lend an element of predictability to the inspection environment and scope (e.g., they will detail the areas, equipment, computers, records, data, and samples that are subject to inspection). A final facility agreement will be concluded between the OPCW Technical Secretariat and the State Party.

Facility agreements are mandatory for all Schedule 1 facilities. For Schedule 2 plant sites, a facility agreement must be drafted unless the inspected State Party and the Technical Secretariat agree that it is not needed.

### Schedule 2 Plant Sites

The Technical Secretariat conducts initial inspections at each plant site that is comprised of at least one declared plant that produced, processed or consumed during any of the previous three calendar years or is anticipated to produce, process or consume in the next calendar year more than:

1. 10 kg of a Schedule 2 toxic chemical designated "\*" – currently only BZ;
2. 1 metric ton of any other Schedule 2 toxic chemical – currently only PFIB and Amiton (and corresponding alkylated or protonated salts); or
3. 10 metric tons of a Schedule 2 precursor.

The general aim of inspections is to verify that activities are in accordance with obligations under the Convention and consistent with the information provided in declarations. Particular aims of inspections include verification of:

1. The absence of any Schedule 1 chemical, especially its production, except if in accordance with CWC provisions related to non-prohibited activities;

2. The consistency of levels of production, processing or consumption of Schedule 2 chemicals with declarations; and
3. Non-diversion of Schedule 2 chemicals for activities prohibited under the Convention.

During initial inspections, in addition to the negotiation of a draft facility agreement, the inspection team will assess the risk to the object and purpose of the Convention posed by the relevant chemicals, the characteristics of the plant site and the nature of the activities carried out there. The Convention states that these inspections are to be conducted as soon as possible.

Having received the initial inspection, each plant site is subject to subsequent inspections in accordance with the facility agreement, if applicable. In selecting particular plant sites for inspection and in deciding on the frequency and intensity of inspections, the Technical Secretariat gives consideration to the risk posed to the object and purpose of the Convention, the respective facility agreements and the results of the initial and subsequent inspections. However, no plant site will receive more than two inspections per calendar year. Schedule 2 inspections require at least 48 hours advance notification before arrival of the inspection team at the plant site. The inspection may not exceed 96 hours duration, unless extended by agreement.

### Schedule 3 Plant Sites

The Technical Secretariat may conduct on-site inspections at each plant site where the declared plant(s) produced during the previous calendar year or is anticipated to produce in the next calendar year in excess of 200 metric tons aggregate of any Schedule 3 chemical. The Technical Secretariat selects plant sites for inspection on the basis of the following weighting factors:

1. Equitable geographical distribution of inspections; and
2. The information on the declared plant sites made available in declarations.



The aim of inspections is to verify that activities are consistent with the information provided in declarations and the absence of any Schedule 1 chemical, especially its production, except if in accordance with CWC provisions related to non-prohibited activities. No plant site will receive more than two inspections per year, and the total number of Schedule 3 and OPCF inspections in a State Party is limited to 20 per year. Schedule 3 inspections require 120 hours advance notification before arrival of the inspection team at the plant site. The inspection may not exceed 24 hours duration, unless extended by agreement.

### OPCFs

The Technical Secretariat may conduct on-site inspections at each plant site that produced by synthesis during the previous calendar year more than 200 metric tons aggregate of unscheduled DOCs, including those containing phosphorus, sulfur or fluorine.

The Technical Secretariat will select plant sites for inspection on the basis of the following weighting factors:

1. Equitable geographical distribution of inspections;
2. The information on the declared plant sites made available to the Technical Secretariat related to the characteristics of the plant site and the activities carried out there; and
3. Proposals by States Parties in accordance with agreed OPCW procedures.

The aim of inspections is to verify that activities are consistent with the information provided in declarations and the absence of any Schedule 1 chemical, especially its production, except if in accordance with CWC provisions related to non-prohibited activities. No plant site will receive more than two inspections per year, and the total number of Schedule 3 and OPCF inspections in a State Party is limited to 20 per year. OPCF inspections require at least 120 hours advance notification before inspection team arrival at the plant site. The inspection may not exceed 24 hours duration unless extended by agreement.

### Inspection Preparation

Under the CWC, inspectors may undertake a wide range of activities during on-site inspections. At the same time, the Convention provides the means by which inspected States Parties and facilities may minimize the cost and burden of inspections, and minimize the disclosure of confidential information. Among the keys to success in preparing for inspections are:

1. Working knowledge of CWC provisions;
2. Thorough site self-assessments, including the identification of confidential information; and
3. Site inspection staff training.

Additional materials published by the OPCW can serve as a good starting point for preparing your site and staff. These materials can be found at the OPCW web site [www.opcw.org](http://www.opcw.org).



## Summary of Implementation Provisions

### OBLIGATIONS FOR ACTIVITIES NOT PROHIBITED UNDER THE CHEMICAL WEAPONS CONVENTION (CWC)

	Schedule 1 Chemicals	Schedule 2 Chemicals	Schedule 3 Chemicals	Unscheduled Discrete Organic Chemicals (DOCs)
<b>Chemicals</b>	CW agents; key final-stage CW precursors.	Potential CW agents; other CW key precursors; and certain dual-use chemicals.	Old CW agents; other CW precursors; and certain dual-use chemicals.	Unscheduled discrete organic chemicals, including those containing phosphorus, sulfur, or fluorine (PSF-chemicals) produced at Other Chemical Production Facilities (OPCFs). Facilities exclusively producing explosives or hydrocarbons are exempt.
<b>Commercial uses</b>	Low or none.	Low to moderate.	High.	High.
<b>Annual activity threshold for declarations</b>	100g aggregate of all Schedule 1 chemicals.	1 kg for BZ; 100kg for other Part A chemicals; 1 metric ton for Part B chemicals.	30 metric tons.	200 metric tons aggregate for OPCFs (including PSF-chemicals); 30 metric tons for each PSF-chemical.
<b>Activities to be declared annually</b>	Production (consumption, storage, transfer) export, and import data for the previous calendar year; production anticipated for the next calendar year.	Production, processing, consumption, export, and import data for the previous calendar year; production, processing, consumption anticipated for the next calendar year.	Production, export, and import data for the previous calendar year; production anticipated for the next calendar year.	Production by synthesis data for the previous calendar year.
<b>Deadline for annual declarations</b> - Anticipated activities (declarations only)	Not later than 90 days prior to the calendar year in which the anticipated activities will take place. (October 3)	Not later than 60 days prior to the calendar year in which the anticipated activities will take place. (November 2)		Not applicable.
<b>Deadline for annual declarations</b> - Past activities	Not later than 90 days after the end of the previous calendar year. (March 30 or March 31)			
<b>Activity threshold for inspections</b>	100g aggregate of all Schedule 1 chemicals.	10 kg for BZ; 1 metric ton for other Part A chemicals; 10 metric tons for Part B chemicals.	200 metric tons.	200 metric tons aggregate unscheduled DOCs, including PSF-chemicals.
<b>Facility agreement for routine inspections</b>	Mandatory.	Mandatory (unless inspected State Party and Technical Secretariat agree otherwise).	None required unless requested by the inspected State Party.	
<b>Notice of initial and routine inspection</b>	Not less than 72 hours (initial) or 24 hours (routine) before arrival of the inspection team at the point-of-entry.	Not less than 48 hours before arrival of the inspection team at the plant site.	Not less than 120 hours before arrival of the inspection team at the plant site.	
<b>Duration of initial/routine inspections</b>	Duration based on risk to object and purpose of the CWC.	96 hours unless extended by inspection team and inspected State Party.	24 hours unless extended by the inspection team and inspected State Party.	
<b>Maximum number of inspections</b>	Number based on risk to object and purpose of the CWC.	2 per year per plant site.	2 per year per plant site plus limit on the combined number of inspections of Schedule 3 and OPCF plant sites.	2 per year per plant site plus limit on the combined number of inspections of Schedule 3 and OPCF plant sites.
<b>Restrictions on exports and imports</b>	Exports to and imports from States Parties only for research, medical, pharmaceutical or protective purposes; no retransfers.	Exports to or imports from States Parties only.	Exports to States Parties, and to non-States Parties that provide End-Use Certificates only.	No restrictions.

Sources: Chemical Weapons Convention 1993



## Annex A: A Synopsis of the CWC Text

The CWC is divided into four major components: the Preamble and 24 Articles; the Annex on Chemicals; the Annex on Implementation and Verification; and the Annex on the Protection of Confidential Information. The annexes are considered an integral part of the Convention. While the annexes provide the detailed “How” of the Convention, the Preamble and articles outline the general “What” of the document.

### **Preamble**

The *Preamble* briefly proclaims, in stylized treaty language, the moral, historical and legal antecedents of the Convention.

### **24 Articles**

*Article I—General Obligations*—spells out to States Parties the activities the Convention prohibits, as well as the positive actions it requires of States Parties.

*Article II—Definitions and Criteria*—provides specific definitions for terminology used in the CWC.

*Article III—Declarations*—outlines the reporting requirements each State Party bears in relation to CW and CW activities

*Article IV—Chemical Weapons*—provides the basis for implementation procedures for the destruction of CW and its verification.

*Article V—Chemical Weapons Production Facilities*—provides the basis for implementation procedures for the destruction and/or conversion of production facilities and their verification.

*Article VI—Activities Not Prohibited Under This Convention*—outlines the declaration and on-site verification measures pertaining to scheduled chemicals and OCPF's. This article forms the basis for industry verification measures.

*Article VII—National Implementation Measures*—specifies the legal and organisational undertakings required of States Parties in order to implement the Convention.

*Article VIII—The Organisation*—describes the functions of the structural components of the Organisation for the Prohibition of Chemical Weapons (OPCW).

The Conference of the States Parties, or simply the Conference, is the principle organ of the OPCW. The Conference meets at least annually and consists of representatives of each of the States Parties.

The Executive Council, the executive organ of the Organisation, is responsible to the Conference, and is charged with promoting the effective implementation of and compliance with the Convention. It consists of representatives of 41 rotating States Parties chosen for 2-year terms and with due regard for geographic distribution and the importance of chemical industry.

The Technical Secretariat assists the Conference and the Executive Council and carries out all the verification measures in the Convention. The Director-General is the head of the Technical Secretariat and is appointed by the Conference.

*Article IX—Consultations, Cooperation and Fact-finding*—contains the procedures for clarifying and resolving compliance concerns, including the procedures for challenge inspections.



*Article X—Assistance and Protection Against Chemical Weapons*—provides for assistance and cooperation among States Parties in CW protection and for the reporting of chemical defense programs.

*Article XI—Economic and Technological Development*—promotes economic and technological development and prohibits impediments to trade and development in the field of chemistry for peaceful purposes.

*Article XII—Measures to Redress a Situation and to Ensure Compliance, Including Sanctions*—provides for the application of collective measures in response to threats to the object and purpose of the Convention, including referral to the United Nations.

(The remaining 12 articles are self-explanatory and are mainly administrative in nature.)

*Article XIII—Relation to Other International Agreements*

*Article XIV—Settlement of Disputes*

*Article XV—Amendments*

*Article XVI—Duration and Withdrawal*

*Article XVII—Status of the Annexes*

*Article XVIII—Signature*

*Article XIX—Ratification*

*Article XX—Accession*

*Article XXI—Entry into Force*

*Articles XXII—Reservations*

*Article XXIII—Depositary*

*Article XXIV—Authentic Texts*

### **Annex on Chemicals**

The *Annex on Chemicals* consists of two parts: Guidelines for Schedules of Chemicals and the actual Schedules of Chemicals.

- Schedule 1 chemicals pose the greatest risk to the CWC. They have few or no uses not prohibited under the CWC.
- Schedule 2 chemicals pose a significant risk and may be produced in large quantities for legitimate (non-CW) uses.
- Schedule 3 chemicals are “dual-use” chemicals in that they are produced in large commercial quantities yet still pose a risk to the object and purpose of the CWC.

### **Verification Annex**

The *Annex on Implementation and Verification*, known as the *Verification Annex*, contains the detailed instructions for implementing and complying with the CWC. As such, it is the heart of the Convention and is where most answers to operational questions can be found. The organisation of the Verification Annex



follows the same order as the articles of the Convention. The logic of the document is to move from the general to the more specific so that the later treatment of a given topic is the one that has precedence in specific application. For example, the general inspection rules are superseded by subsequent treatments of inspection procedures for specific types of inspections and facilities. The following is a synopsis of the contents of the Verification Annex.

*Part I—Definitions*

*Part II—General Rules of Verification*—provides for the designation of inspectors and their status, arrangements for inspection notifications and arrival at the point of entry (POE), inspection equipment, transfer to the inspection site and pre-inspection briefings. Most important, it establishes the general rules for the conduct of inspections and delineates the rights of the inspection team and the inspected State Party, as well as required procedures. The inspection team is granted unimpeded access to the inspection site, while at the same time it is enjoined to strictly observe and not exceed its inspection mandate. In addition, it is required to carry out its activities in a timely manner to ensure the least possible inconvenience to the inspected State Party and disturbance to the inspected facility. Part II establishes the inspectors' rights to conduct a number of inspection activities, including:

- Interviewing facility personnel;
- Inspecting documentation and records;
- Having photographs taken;
- Requesting clarification of ambiguities; and
- Having samples taken and performing analysis.

*Part III—General Provisions for Verification Measures Pursuant to Articles IV, V, and VI, Paragraph 3*—provides the framework for verification of declarations pertaining to chemical weapons storage, destruction and production facilities, as well as Schedule 1 chemical facilities. Included in this framework are requirements for facility agreements and measures for continuous monitoring instrumentation.

*Part IV (A)—Destruction of Chemical Weapons and its Verification Pursuant to Article IV*—details the declaration and verification process pertaining to chemical weapons. In addition to technical and historical declaration data, States Parties who possess chemical weapons are required to submit a general plan plus detailed annual plans for destruction of chemical weapons. These plans must conform to a CWC-prescribed order of destruction, meet phase targets, and meet the overall target—total destruction of CW not later than 10 years after entry into force.

*Part IV (B)—Old Chemical Weapons and Abandoned Chemical Weapons*—contains the obligations and procedures by which States Parties are to report Old and Abandoned CW and the CWC verification regime for them.

*Part V—Destruction of Chemical Weapons Production Facilities and its Verification Pursuant to Article V*—provides the declaration, verification and destruction procedures for CW production facilities.

*Part VI—Activities Not Prohibited Under This Convention in Accordance with Article VI (Regime for Schedule 1 Chemicals and Facilities Related to Such Chemicals)*—specifies the limited uses and quantities of Schedule 1 chemicals permissible under the Convention, as well as the declaration and inspection provisions.

*Part VII—Activities Not Prohibited Under This Convention in Accordance with Article VI (Regime for Schedule 2 Chemicals and Facilities Related to Such Chemicals)*—specifies procedures for declarations and inspection activities.

*Part VIII—Activities Not Prohibited Under This Convention in Accordance with Article VI (Regime for Schedule 3 Chemicals and Facilities Related to Such Chemicals)*—specifies procedures for declarations and inspection activities.



*Part IX—Activities Not Prohibited Under This Convention in Accordance with Article VI (Regime for Other Chemical Production Facilities)*—contains the procedures for declarations and inspection activities involving unscheduled discrete organic chemicals, including those containing the elements phosphorus, sulfur or fluorine (designated “PSF chemicals” in the CWC).

*Part X—Challenge Inspections Pursuant to Article IX*—provides detailed information pertaining to the conduct of challenge inspections. The determination, negotiation, designation and role of the inspection site perimeter are covered, as well as the concept and practice of managed access procedures.

*Part XI—Investigation in Cases of Alleged Use of Chemical Weapons*—provides procedures for requests for an investigation and for the conduct of inspections.

### **Confidentiality Annex**

The *Annex on the Protection of Confidential Information*, or simply the *Confidentiality Annex*, is divided into four sections that outline the general principles for handling confidential information, impose ethical standards for employment in the Technical Secretariat, describe the measures to protect confidential information as a result of on-site verification activity, and provide for procedures in cases of breaches of confidentiality. *Of particular importance is the right of States Parties to protect sensitive information not related to chemical weapons.* This right is reinforced by the obligation of the inspection teams to employ the least intrusive measures possible. These provisions are elaborated through facility agreements. Thus, the Convention provision affording the inspection team the right to *unimpeded access to the site* is conditioned by countervailing obligations and inspected State Party rights. In cases where information that a State Party considers confidential is disclosed, the State Party may designate it as such and thereby impose an obligation on the Technical Secretariat in terms of special handling procedures. These procedures are reinforced through employee secrecy agreements that extend 5 years after the term of employment, and provisions for punitive disciplinary measures.



## Annex B: Excerpts from Article II of the CWC

### DEFINITIONS AND CRITERIA

For the purposes of this Convention:

1. **"Chemical Weapons"** means the following, together or separately:

- a. Toxic chemicals and their precursors, except where intended for purposes not prohibited under this Convention, as long as the types and quantities are consistent with such purposes;
- b. Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph a, which would be released as a result of the employment of such munitions and devices;
- c. Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph b.

2. **"Toxic Chemical"** means:

Any chemical, which, through its chemical action on life processes, can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(For the purpose of implementing this Convention, toxic chemicals that have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

3. **"Precursor"** means:

Any chemical reactant that takes part at any stage in the production, by whatever method, of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(For the purpose of implementing this Convention, precursors that have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals.)

4. **"Chemical Weapons Production Facility"**:

- a. Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:
  - i. As part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation:
    - 1) Any chemical listed in Schedule 1 in the Annex on Chemicals; or
    - 2) Any other chemical that has no use, above 1 tonne per year on the territory of a State Party or in any other place under the jurisdiction or control of a State Party, for purposes not prohibited under this Convention, but can be used for chemical weapons purposes; or
  - ii. For filling chemical weapons, including, *inter alia*, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers that form part of assembled binary munitions and devices or into



chemical submunitions that form part of assembled unitary munitions and devices, and the loading of the containers and chemical submunitions into the respective munitions and devices;

b. Does not mean:

- i. Any facility having a production capacity for synthesis of chemicals specified in subparagraph (a) (i) that is less than 1 tonne;
- ii. Any facility in which a chemical specified in subparagraph (a) (i) is or was produced as an unavoidable by-product of activities for purposes not prohibited under this Convention, provided that the chemical does not exceed 3 per cent of the total product and that the facility is subject to declaration and inspection under the Annex on Implementation and Verification (hereinafter referred to as "Verification Annex"); or
- iii. The single small-scale facility for production of chemicals listed in Schedule 1 for purposes not prohibited under this Convention as referred to in Part VI of the Verification Annex.

5. **"Purposes Not Prohibited Under this Convention"** means:

- a. Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
- b. Protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
- c. Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
- d. Law enforcement including domestic riot control purposes.

6. **"Production Capacity"** means:

The annual quantitative potential for manufacturing a specific chemical based on the technological process actually used or, if the process is not yet operational, planned to be used at the relevant facility. It shall be deemed to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, as demonstrated by one or more test-runs. The design capacity is the corresponding theoretically calculated product output.

7. **For the purposes of Article VI:**

- a. **"Production"** of a chemical means its formation through chemical reaction;
- b. **"Processing"** of a chemical means a physical process, such as formulation, extraction and purification, in which a chemical is not converted into another chemical;
- c. **"Consumption"** of a chemical means its conversion into another chemical via a chemical reaction.



## Annex C: Guidelines for Schedules of Chemicals

### Guidelines for Schedule 1

The following criteria shall be taken into account in considering whether a toxic chemical or precursor should be included in Schedule 1:

- a. It has been developed, produced, stockpiled or used as a chemical weapon as defined in Article II;
- b. It poses otherwise a high risk to the object and purpose of this Convention by virtue of its high potential for use in activities prohibited under this Convention because one or more of the following conditions are met:
  - i. It possesses a chemical structure closely related to that of other toxic chemicals listed in Schedule 1, and has, or can be expected to have, comparable properties;
  - ii. It possesses such lethal or incapacitating toxicity as well as other properties that would enable it to be used as a chemical weapon;
  - iii. It may be used as a precursor in the final single technological stage of production of a toxic chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;
- c. It has little or no use for purposes not prohibited under this Convention.

### Guidelines for Schedule 2

The following criteria shall be taken into account in considering whether a toxic chemical not listed in Schedule 1 or a precursor to a Schedule 1 chemical or to a chemical listed in Schedule 2, part A, should be included in Schedule 2:

- a. It poses a significant risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that could enable it to be used as a chemical weapon;
- b. It may be used as a precursor in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1 or Schedule 2, part A;
- c. It poses a significant risk to the object and purpose of this Convention by virtue of its importance in the production of a chemical listed in Schedule 1 or Schedule 2, part A;
- d. It is not produced in large commercial quantities for purposes not prohibited under this Convention.

### Guidelines for Schedule 3

The following criteria shall be taken into account in considering whether a toxic chemical or precursor, not listed in other Schedules, should be included in Schedule 3:

- a. It has been produced, stockpiled or used as a chemical weapon;
- b. It poses otherwise a risk to the object and purpose of this Convention because it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be used as a chemical weapon;



- c. It poses a risk to the object and purpose of this Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1 or Schedule 2, part B;
- d. It may be produced in large commercial quantities for purposes not prohibited under this Convention.



## Annex D: Exempted Unscheduled DOC Compounds

TO DETERMINE IF CHEMICALS ARE CARBON OXIDES, CARBON SULFIDES OR METAL CARBONATES OR COMPOUNDS OF METAL AND CARBON:

Determine if any of your site's unscheduled chemicals containing carbon are classified as carbon oxides, carbon sulfides, metal carbonates, or compounds of metal or carbon. This determination should be made by evaluating each chemical against the definitions provided below.

Carbon oxides consist of chemical compounds that contain only the elements carbon and oxygen and have the chemical formula  $C_x O_y$ , where x and y denote integers. The two most common carbon oxides are carbon monoxide (CO) and carbon dioxide (CO<sub>2</sub>). If a chemical produced at your plant site fits this definition, then it is classified as a carbon oxide.

Carbon sulfides consist of chemical compounds that contain only the elements carbon and sulfur, and have the chemical formula  $C_a S_b$ , where a and b denote integers. The most common carbon sulfide is carbon disulfide (CS<sub>2</sub>). If a chemical produced at your plant site fits this definition, then it is classified as a carbon sulfide.

Metal carbonates consist of chemical compounds that contain a metal [i.e., the Group 1 Alkalis, Groups II Alkaline Earths, the Transition Metals, or the elements aluminum, gallium, indium, thallium, tin, lead, bismuth or polonium], and the elements carbon and oxygen. Metal carbonates have the chemical formula  $M_d (CO_3)_e$ , where d and e denote integers and M represents a metal. Common metal carbonates are sodium carbonate (Na<sub>2</sub>CO<sub>3</sub>) and calcium carbonate (CaCO<sub>3</sub>). If a chemical produced at your plant site fits this definition, then it is classified as a metal carbonate.

Compounds of metal and carbon consist of those chemicals that contain only a metal (as described in the previous paragraph) and carbon, e.g. calcium carbide (CaC<sub>2</sub>).



## Annex E: Conference of States Parties Decisions on Low Concentrations of Schedule 2 and 3 Chemicals

Four decisions have been issued by the Conference of States Parties that establish low concentrations, or mixture rules, of Schedule 2 and 3 chemicals for declarations and aggregate national data. These decisions are provided in full as supplementary reference material.

- C-V/DEC.16 Implementation of Restrictions on Transfers of Schedule 2 and Schedule 3 Chemicals To and From States Not Party to the Convention
- C-V/DEC.19 Guidelines Regarding Low Concentration Limits for Declarations of Schedule 2 and 3 Chemicals
- C-VI/DEC.10 Provisions on Transfers of Schedule 3 Chemicals to States Not Party to the Convention
- C-7/DEC.14 Guidelines Regarding Declarations of Aggregate National Data for Schedule 2 Chemical Production, Processing, Consumption, Import and Export and Schedule 3 Import and Export

**OPCW****Conference of the States Parties**

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Fifth Session  
15 - 19 May 2000

C-V/DEC.16  
17 May 2000  
Original: ENGLISH

**DECISION****IMPLEMENTATION OF RESTRICTIONS ON TRANSFERS  
OF SCHEDULE 2 AND SCHEDULE 3 CHEMICALS  
TO AND FROM STATES NOT PARTY TO THE CONVENTION****The Conference**

**Recalling** the decision of the Conference of the States Parties at its Fourth Session on guidelines for provisions regarding scheduled chemicals in low concentrations, including in mixtures, in accordance with paragraphs 5 of Parts VII and VIII of the Verification Annex (C-IV/DEC.16, dated 1 July 1999);

**Bearing in mind** the special responsibility of States Parties with regard to transfers of Schedule 2 or Schedule 3 chemicals to States not party to the Convention, and **recalling** in this respect the obligation under paragraph 31 of Part VII of the Verification Annex, which came into effect on 29 April 2000, that Schedule 2 chemicals shall only be transferred to or received from States Parties;

**Recalling further** that, with regard to transfers of Schedule 3 chemicals, five years after the entry into force of the Convention (29 April 2002) the Conference shall consider the need to establish other measures;

**Recognising** the need to ensure that the transfer provisions regarding Schedule 2 or Schedule 3 chemicals do not encompass impurities and consumer goods;

**Noting** that transfers of the products under consideration in this decision shall only be for purposes not prohibited under the Convention, and **recognising** the desire of States Parties in relation to this decision, to keep under review technical and possible security aspects of transfers of products as defined in the operative subparagraphs 1(a) and (b) below;



**Noting** further the recommendation to the Conference adopted by the Executive Council at its Nineteenth Session (EC-XIX/DEC.11, dated 2 May 2000);

**Hereby:**

1. **Decides** that, with regard to the application of the provisions on transfers of Schedule 2 chemicals to and from States not party to the Convention, paragraph 31 of Part VII of the Verification Annex shall not apply to:
  - (a) products containing one percent or less of a Schedule 2A or 2A\* chemical;
  - (b) products containing 10 percent or less of a Schedule 2B chemical; and
  - (c) products identified as consumer goods packaged for retail sale for personal use or packaged for individual use; and
  
2. **Further requests**, with regard to the application of the provisions on transfers of Schedule 3 chemicals, the Executive Council to prepare a recommendation to be considered by the Conference at its Sixth Session.

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# OPCW

## Conference of the States Parties

Fifth Session  
15 - 19 May 2000

C-V/DEC.19  
19 May 2000  
Original: ENGLISH

### DECISION

#### GUIDELINES REGARDING LOW CONCENTRATION LIMITS FOR DECLARATIONS OF SCHEDULE 2 AND 3 CHEMICALS

##### The Conference of the States Parties

**Recalling** the decision at its Fourth Session on guidelines for provisions regarding scheduled chemicals in low concentrations, including in mixtures, in accordance with paragraphs 5 of Parts VII and VIII of the Verification Annex (C-IV/DEC.16, dated 1 July 1999);

**Determined** to seek the harmonisation of provisions regarding Schedule 2 and Schedule 3 chemicals in low concentrations, consistent with the non-discriminatory and effective implementation of the Convention;

**Cognisant** of the economic and administrative implications of the implementation of such guidelines for States Parties;

**Noting** the decision by the Executive Council at its Tenth Meeting recommending that the Conference of the States Parties consider and adopt this decision at its Fifth Session;

##### Hereby:

1. **Decides**, with regard to the applicable concentration limits for declarations under Parts VII and VIII of the Verification Annex, that:
  - (i) declarations are not required for mixtures of chemicals containing 30 percent or less of a Schedule 2B or a Schedule 3 chemical; and
  - (ii) States Parties are requested to take measures in accordance with Article VII, paragraph 1, to implement these guidelines by 1 January 2002; and
2. **Requests** the Director-General to task the Scientific Advisory Board to study all relevant aspects of the applicable concentration limits for mixtures of chemicals containing Schedule 2A and 2A\* chemicals and to report the results to the Council for consideration with a view to a decision being submitted for the consideration of States Parties at the Sixth Session of the Conference of the States Parties.

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**OPCW**

**Conference of the States Parties**

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Sixth Session  
14 – 19 May 2001

C-VI/DEC.10  
17 May 2001  
Original: ENGLISH

**DECISION**

**PROVISIONS ON TRANSFERS OF SCHEDULE 3 CHEMICALS  
TO STATES NOT PARTY TO THE CONVENTION**

**The Conference of the States Parties,**

**Recalling** the decision of the Conference of the States Parties (hereinafter the “Conference”) at its Fifth Session on the implementation of restrictions on transfers of Schedule 2 and Schedule 3 chemicals to and from States not party to the Convention (C-V/DEC.16, dated 17 May 2000);

**Recalling further** the decision of the Conference at its Fifth Session on national implementation measures (C-V/DEC.20, dated 19 May 2000);

**Recalling in particular** the decision by the Executive Council (hereinafter the “Council) at its Twelfth Meeting to refer to the Conference, at its Sixth Session, its recommendation for approval of the provisions on transfers of Schedule 3 chemicals to States not party to the Convention (EC-M-XII/DEC.1, dated 4 May 2001);

**Bearing in mind** the special responsibility of States Parties with regard to transfers of Schedule 3 chemicals to States not party to the Convention, and **recalling** in this respect the obligation under paragraph 26 of Part VIII of the Verification Annex, to adopt the necessary measures to ensure that the transferred chemicals shall only be used for purposes not prohibited under this Convention;

**Recalling further** that, in accordance with paragraph 27 of Part VIII of the Verification Annex, five years after the entry into force of the Convention, i.e. by 29 April 2002, the Conference shall consider the need to establish other measures regarding transfers of Schedule 3 chemicals to States not party to the Convention;

**Considering** the effective contribution of such measures to preventing the proliferation of chemical weapons and promoting universal adherence to the Convention;

**Hereby:**

1. **Calls to the attention of** States Parties their obligation, when transferring Schedule 3 chemicals to States not party to the Convention, to require from the recipient State an end-use certificate in accordance with paragraph 26 of Part VIII of the Verification Annex and with Conference decisions C-III/DEC.6 and C-III/DEC.7, both dated 17 November 1998;
2. **Decides**, with regard to the application of the obligation to require an end-use certificate for transfers of Schedule 3 chemicals to States not party to the Convention, and without prejudice to the right of any State Party to adopt a more restrictive approach, that end-use certificates are not required for:
  - (i) products containing 30 percent or less of a Schedule 3 chemical;
  - (ii) products identified as consumer goods packaged for retail sale for personal use, or packaged for individual use;
3. **Urges** States Parties to adopt national legislative and administrative measures, as appropriate, to implement the provisions on transfers of Schedule 3 chemicals to States not party to the Convention, and, in accordance with paragraph 5 of Article VII of the Convention, to inform the Organisation concerning the measures taken;
4. **Requests** the Technical Secretariat to include in its regular reports on the implementation of the Convention the information provided by States Parties on the implementation of paragraph 26 of Part VIII of the Verification Annex on transfers of Schedule 3 chemicals to States not party to the Convention;
5. **Requests** the Council to consider the need to establish other measures regarding transfers of Schedule 3 chemicals under paragraph 27 of Part VIII of the Verification Annex and to report the results of its consideration to the Conference at its Seventh Session; and
6. **Recommends** that five years after the implementation of this decision the concentration limits contained in operative paragraph 2 above may be reviewed upon a recommendation of the Council.

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**OPCW**

**Conference of the States  
Parties**

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Seventh Session

C-7/DEC.14

7 – 11 October 2002

10 October 2002

Original: ENGLISH

**DECISION**

**GUIDELINES REGARDING DECLARATIONS OF  
AGGREGATE NATIONAL DATA  
FOR SCHEDULE 2 CHEMICAL PRODUCTION,  
PROCESSING, CONSUMPTION, IMPORT AND EXPORT  
AND SCHEDULE 3 IMPORT AND EXPORT**

**The Conference of the States Parties,**

**Recalling** that the Chemical Weapons Convention (hereinafter the “Convention”) requires States Parties to make declarations of Schedule 2 and Schedule 3 aggregate national data (AND) under the provisions of paragraph 1 of Part VII and paragraph 1 of Part VIII of the Verification Annex of the Chemical Weapons Convention (hereinafter the “Verification Annex”);

**Recalling also** that the Conference of the States Parties (hereinafter the “Conference”) at its Second Session in C-II/DEC.8, dated 5 December 1997, and the Executive Council (hereinafter the “Council”), in EC-VIII/DEC.2, dated 30 January 1998, and EC-IX/DEC.10\*, dated 24 April 1998, also requested States Parties to provide the basis on which Schedule 2 and Schedule 3 chemicals are to be declared; and

**Recalling also** the reports by the Technical Secretariat (hereinafter the “Secretariat”) on information provided by States Parties in this regard;

**Recalling further** the guidelines on low concentration limits for the declaration of Schedule 2 and Schedule 3 chemicals adopted by the Conference at its Fifth Session (C-V/DEC.19, dated 19 May 2000);

**Having considered** that a standardised approach to declaration obligations is necessary for National Authorities to report AND and relevant plant site import and export data in a uniform and harmonised manner, and to provide more meaningful and comparable information for use by the Organisation in illustrating normal patterns of trade, and in identifying any trends important to the object and purpose of the Convention;



**Cognisant** of the financial and administrative implications of the implementation of such guidelines by States Parties, and the desirability of a simple, practical approach;

**Noting** the decision by the Council at its Thirtieth Session (EC-30/DEC.14, dated 13 September 2002) recommending that the Conference consider and adopt this decision at its Seventh Session;

**Decides on the following:**

1. that import and export data aggregated by each State Party in fulfilment of the declaration obligations of paragraph 1 of Part VII and paragraph 1 of Part VIII of the Verification Annex shall include activity by natural and legal persons transferring a declarable chemical between the territory of the declaring State Party and the territory of other States, as specified below;
2. that declarations by States Parties under paragraph 1 of Part VII of the Verification Annex shall include, using the relevant low concentration limit, production, processing, consumption, import, and export quantities of a given Schedule 2 chemical if the total for the year for that activity is more than the threshold specified for that chemical in subparagraphs 3(a), 3(b), or 3(c) of Part VII of the Verification Annex;
3. that declarations by States Parties under paragraph 1 of Part VIII of the Verification Annex shall include, using the relevant low concentration limit, import and export quantities of a Schedule 3 chemical if the total for the year for that activity is more than the threshold specified in paragraph 3 of Part VIII of the Verification Annex;
4. that, in addition, where declarations by States Parties under paragraph 1 of Part VII and paragraph 1 of Part VIII of the Verification Annex have reported the import or export of a Schedule 2 or Schedule 3 chemical in accordance with operative paragraphs 2 or 3 above, separate declarations shall also include, using the relevant low concentration limit, the aggregate quantities of each chemical imported from, or exported to, each given sending or receiving State, which shall be specified. When a quantity reported in this particular declaration is less than the threshold specified for that chemical in paragraph 3 of Part VII or paragraph 3 of Part VIII of the Verification Annex, the quantity should be expressed as “< (relevant threshold quantity)”<sup>1</sup>;
5. that States Parties are requested to take measures in accordance with paragraph 1 of Article VII of the Convention to implement these guidelines as soon as practicable, and in advance of 1 January 2004;
6. that although this decision does not dictate how and on what basis States Parties should collect data, but rather how data collected should be reported by States Parties to the Secretariat, States Parties shall review this, and the implementation of these guidelines in general, on the basis of the Secretariat’s analysis of the first three years of harmonised AND submissions; and further
7. that the Council shall be tasked to continue work towards harmonising the reporting of Schedule 3 production AND.

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<sup>1</sup> The exact quantity would have been added into the totals reported separately under paragraphs 2 and 3.

